
From: ~Allison <allison@blushingbooks.com>
Sent: 4/19/2018 3:09:23 PM -0500
To: Bethany Burke <bethany@blushingbooks.com>
CC: Rachelle Soto <rachellespen@gmail.com>
Subject: Re: Knockoff of Born to be Bound
DMCA's have been sent to

Amazon
iBooks
B&N
Kobo
Google Play

Allison
Production Manager

[Blushing Books Store](#)

[~Twitter @BlushingBooks](#)

[~Facebook Blushing Books page](#)

[http://](#)

[~Pinterest ~Blushing Books Publications~](#)

On Thu, Apr 19, 2018 at 3:28 PM, Bethany Burke <bethany@blushingbooks.com> wrote:
Your FB post is extremely strong and I 100% support you making it.

I think your decision to hide behind Blushing and paint us as the instigators is how it absolutely should be. Let us take the heat. All you have to say is "My publisher chose to take action. It was and continues to be out of my hands." Let people get mad at us.

Also, however, if you get personally any threatening letters, p.m.s ... anything, please pass them on immediately. I will only strengthen the position with Amazon.

Today, I had a super busy day and was not able to check mail a single time until right now. Tomorrow, I will have a lighter day and will check email in the morning France time.

Anne

On Apr 19, 2018, at 7:30 PM, Rachelle Soto <rachellespen@gmail.com> wrote:

When the books come down and the inevitable backlash begins, this is what I intend

to post on FB about it. If you have any feedback on this, please let me know. :)

Plagiarism and Copyright Infringement

I am only going to make one post about this, because I believe fans have a right to know why there has been some chaos behind the scenes and the reasons for it. I mostly likely won't be answering comments on this post. That's not to be rude, but for my own sanity. I'd rather address this once, put this behind me, and move on.

My publishing house has chosen to take legal action against another author for plagiarism and copyright infringement of one of my books. They own the rights to print and distribute my story, and should an outside influence try to profit from it, they are legally bound to respond. This is outside of my control.

In order for everyone to be on the same page as to why this is happening, it's important to understand what the difference is between plagiarism and copyright infringement. The two terms tend to go hand and hand, but are not the same thing. Plagiarism is when someone takes the words of one author and uses them in their own story. Writers can plagiarize more than just prose. They can steal scenes, characters, plots, and ideas. For example, lifting lines from one book, slightly modify the sentence (paraphrasing), and then using it in another book is bad. If this happens one or two times, no one really cares. If this happens dozens of times (hundreds?), you have a problem. The only way to get away with it, is to credit the author you borrowed from—like how I used Sun Tzu quotes in Alpha's control, yet made it clear I was not the original author of the quotes. I never tried to take credit for writing them myself.

Copyright infringement is the unauthorized use of copyright protected material. It is not the same as plagiarizing, where an "author" is claiming to be the originator of someone else's work. There are legal ramifications for copyright infringement.

According to my publishing house, both were violated in this instance.

When you read a book you love, usually you don't remember exact sentences. You recall how the story made you feel. Should you read another book that gives you that same lovely feeling, you're going to like both books. Maybe you noticed a lot of similarities though. Maybe you couldn't put your finger on it, but you thought, "hmmm, this reminds

me a lot of Addison Cain's book." That's because at times you were essentially reading my book: my sentences paraphrased and presented from a male POV instead of a female—my story arc, my characters, my plot—folded into another person's book.

I do not own Omegaverse. That is not in question here. Please, if you love Omegaverse and want to write stories in that genre, I will be the first to support you (and beg for a copy of the book because I neeeeeeed more!). This is not an issue of writing in the Omegaverse or using common tropes.

When things like this happen, it's a lose/lose situation for the victim. No matter what I say, I'm going to be painted as the bad guy. I tried to do everything right here. I was diplomatic and ignored it. I kept a friendly public persona regarding the issue. I even, stupidly, promoted the other person's story without having read it after several fans had warned me. I never commented on posts regarding the book in question. My personal feelings were kept private. Unfortunately, no matter how I tried to stay above it, things escalated.

The author in question was given the opportunity to credit me when she published the book, she chose not to. She chose to use my book as a framework for her own, but then take it several steps further by using my sentences, scenes, and story arc too.

Then this this person, or someone affiliated with them, began posting harmful comments dragging my name through the mud. All of this after I had done nothing in response to the many, many, many complaints I'd received.

Because my publishing house is choosing to pursue legal action, I have been told I cannot share the totality of the evidence (and friends, it's a lot). But I do want to show you some of it, so you can understand the depth of the problem.

From one side by side read-through, 13 sentences were lifted from chapter one of BTBB alone. My publisher is sure more were lifted, and placed in various parts of the book and has compiled and shown me a list that, frankly, made hurt my heart when I read it.

As for plot:

BTBB: Protagonist is leader of a violent army that has taken over a city. His men follow without question.

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BTBB: Claire enters a depression once her estrous has ended. She does not want to be mated to Shepherd. Protagonist does not understand why she refuses to behave as an Omega and adore him. He forces her to comply with her nature despite her personal feelings.

CtC: Cailyn enters a depression one her estrous has ended. She does not want to be mated to Drocco. Protagonist does not understand why she refuses to behave as an Omega and adore him. He forces her to comply with her nature despite her personal feelings.

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BTBB: Instead of asking Claire why she is unhappy, Protagonist seeks to manipulate her feelings using outside help.

CtC: Instead of asking Cailyn why she is unhappy, Protagonist seeks to manipulate her feelings using outside help.

BTBB: The Omega falls into a deeper depression and desires to die. Worries constantly about missing Omegas.

CtC: The Omega falls into a deeper depression and desires to die. Worries constantly about missing Omegas.

BTBB: Omega goes on hunger strike.

CtC: Omega stops eating.

BTBB: Protagonist is unwilling to change world view, even if it would make the Omega happy.

CtC: Protagonist is unwilling to change world view, even if it would make the Omega happy.

BTBB: Once contacted, the other hidden Omegas betray Claire.

CtC: Once contacted, the other hidden Omegas betray Cailyn.

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BTBB: Claire escapes at first opportunity, jumping off a balcony, escapes into city leaving book on cliffhanger.

CtC: Cailyn escapes at first opportunity, floating off a balcony, escapes into city leaving book on cliffhanger.

Please consider that this is very serious. A publishing house does not make a move like this without solid evidence and the full knowledge that any legal battle is already won. I'm sick to my stomach thinking about it. I wish this had never happened. I apologize to every single one of you who were affected by this mess. I apologize to anyone who has been upset by this. And lastly, I apologize to my fans, and the fans of Omegaverse. No one is winning here.

For the torches and pitchforks that will inevitably come my way, please remember that I'm just a regular person stuck in the middle of this mess too. I never asked for this, and I'm heartbroken.

On Thu, Apr 19, 2018 at 10:25 AM, ~Allison <allison@blushingbooks.com> wrote:
So it looks like they are up on Google Play and Kobo so I am adding those places to the list as well.

Allison
Production Manager

[Blushing Books Store](#)

[~Twitter @BlushingBooks](#)

[~Facebook Blushing Books page](#)

[http://](#)

[~Pinterest ~Blushing Books Publications~](#)

On Thu, Apr 19, 2018 at 12:04 AM, Rachelle Soto <rachellespen@gmail.com> wrote:

Hi Anne,

I am so excited that you are enjoying France! Don't worry, my lips are sealed. But I'm still cheering for you from Virginia.

Okay, here are my thoughts. It's important to take a stand. After all, Blushing Books wouldn't just be doing this for me. You're doing it for Blushing's best interests too. Zoey Ellis is stealing from both of us.

I would not write the author a warning letter. She is aware of what she did and has already stirred up shit and lied by omission. File the DMCA's immediately to Amazon, iTunes, and B&N (should only take 5 mins each). If you want to write her afterward with demands to see her financials, by all means go for it.

I good friend of mine made it 44% if the way through CtC tonight and created a spreadsheet for you with several instances where my verbiage was paraphrased, and the positions where it happened between her book and my manuscript. Zoey Ellis basically wrote BTBB but from the males POV... and badly. I know there are many more instances, but these are just what stood out to her with a quick side by side. I will try to squeeze in a read through tomorrow to add to this.

If amazon, iTunes, and B&N comply with the DMCA (which they should considering the evidence) and a stink arises, I am prepared for the backlash. I went through it with Reborn, and I'm not afraid. To settle it down, I will deflect to Blushing and remain distant and naïve. "Readers sent in complaints. The publisher filed a DMCA based on evidence they uncovered of copyright infringement. Any issues should be raised with them. This is out of my hands." And I will remain silent publicly, unless it gets to a point that a single, professional post on the topic (once again deflecting to the publisher) needs to be posted.

Some people will be reactive right out of the gate, but that's why I have a publisher to

hide behind. It will pass quickly. So long as I stay above the fray, we're all good. I'm very good at not engaging with crazy.

Interesting article btw! As it was a summary judgement, I'm not concerned. The plaintiff should not have made that mistake, and their lawyers should have known better to use a summary judgement on a copyright case.

-Addison

On Wed, Apr 18, 2018 at 6:38 PM, Bethany Burke
<bethany@blushingbooks.com> wrote:

Hi Rachelle,

I am in the loop on this. I don't know if you spoke to Allison on the phone but the screenplay thing that we talked about last fall when we had lunch with Katie? That's going on right now... I'm in France. As I told you last fall we are keeping this extremely quiet, as nothing may come of it, and I would prefer that it just be kept very separate from Blushing. But since you already did know, and I trust your discretion 100%, I do want you to know that that's where I am. I am working every day while over here, but with the time change plus what I'm actually doing, it's a bit limited.

I did want to say that I rushed to respond the other day without thinking. The only time we've had a problem with Amazon basically denying EITHER party the right to publish was when the dispute was about the exact same book and the dispute was about who owns the rights. (And when that happens they WILL deny both parties - even when absolutely iron clad contracts exist.) Since that's not the case here, it is a moot point and one I should never have mentioned.

I've attached the initial proposal of a letter we crafted for Amazon. I do think the fact that you've been contacted by a "friend" of Zoey Ellis and been asked to release a statement supporting her work is very telling - and should be included.

Please review the attached and give us your thoughts.

I agree with others you've spoken to: I don't think you will suffer any negative consequences by moving forward. Amazon might not take the other author's book down - but I don't see you/Blushing being penalized in any way. There's no way she could file anything against your book since yours came out two years earlier.

Here are my thoughts in no particular order. I do believe that it's in our best interests to not rush into this and make what we're doing as strong and as "right" as possible.

- #1. First, for us to ask that both books be removed (and thus also block the publication of the third) we need to establish that both books contain similarities. The list you sent was impressive, but it needs to also contain whether the similarity was from book one, book two or both books.
- #2. The last thing you want to do is pour over her books any longer, BUT if you could establish a single sentence that's directly plagiarized it would really strengthen this. Another thing that would be fabulous is if you could point to similar story beats. In other words, prove that she used your book as a template - 10% of the way in, this happened 17% of the way in, this happened... even if the page counts are different. I suspect what she did is went through your book, used it as an outline, and then wrote her own words on top of your outline
- #3. Third, for form's sake, I believe the initial correspondence should properly be with her. She must have a website, so we do have some way of getting in touch. Blushing should send a letter to her demanding the removal of the books and the immediate access to all financial records since technically she owes you all of those royalties. It may be enough to scare her into doing it when she sees you are serious. We give her 72 hours to respond, and then if she doesn't, we send a second letter from our attorney. Then we go to Amazon.
- #4. Also, for form's sake, if we do contact Amazon, we need to send similar letters to B&N and Apple.
- #5. However, before we move ahead, I'd like you to really think about whether you want to do this. I agree - it sickening - and clearly she plagiarized your entire plot. But that having been said, is this really hurting you? If anything, fans of her books - reading the reviews of her books - might buy yours. Controversy frequently helps books I don't think there's a point at which anyone would ever be on Amazon and be trying to decide between her book and yours... and choose hers. They might read both but one or the other? Probably not. If we move ahead with this, you will have a profound enemy for life... someone who will likely attack you at every opportunity, and get all of her friends to do so. She'll come up with another pen name - and be your worst nightmare. I am NOT trying to tell you not to do it, but I do want you to go into this with the clear-eyed understanding that as hard as it might be to swallow, doing nothing is an option that should be on the table. However, if you want to go ahead with it, Blushing supports you 100%

Also you might find this legal case interesting:

<https://www.leagle.com/decision/19921354885fsupp46911264>

Anne

On Apr 18, 2018, at 8:29 PM, Rachelle Soto
<rachellespen@gmail.com> wrote:

Now that I've thought it over, both books should be taken down.
She shouldn't profit off screwing me over. THANK YOU for your

support on this.

On Wed, Apr 18, 2018 at 2:16 PM, Rachele Soto

<rachellespen@gmail.com> wrote:

Whoops, saw some spelling errors. Sorry. Lets try this again:

The story arc is a replica of Born to be Bound. Here are key points:

BTBB: Protagonist is leader of a violent army that has taken over a city. His men follow without question.

CtC: Protagonist is leader of a violent army that has taken over a city. His men follow without question.

BTBB: Omegas are dying off from attacks by Alphas. They go into hiding to survive.

CtC: Omegas are dying off from attacks by Alphas. They go into hiding to survive.

BTBB: Main protagonist is searching for the missing Omegas to give them to his soldiers.

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CtC: Cailyn (an Omega) approaches protagonist disguised as a Beta in order to help the Omegas.

BTBB: Claire suppresses her scent and estrous by use of drugs so that she can pass for a Beta.

CtC: Cailyn suppresses her scent and haze by use of magic so that she can pass for a Beta.

BTBB: Claire's drugs fail in a room full of Alpha males. All Alphas who smell her enter a rut. A fight breaks out. Protagonist fights off potential suitors and steals her away.

CtC: Cailyn's magic fails in a room full of Alpha males. All Alphas who smell her enter a rut. A fight breaks out. Protagonist fights off potential suitors and steals her away.

BTBB: Alpha undresses before Omega. "You are fighting your cycle."

CtC: Alpha undresses before Omega. "You fight your instincts."

BTBB: Omega fights instincts to refuse Alpha's advances. Fails.

CtC: Omega fights instincts to refuse Alpha's advances. Fails.

BTBB: Omega is mindless in her estrous. Has no free will to reject Alpha.

CtC: Omega is mindless in her haze. Has no free will to reject Alpha.

BTBB: Shepherd takes advantage of the situation to make the Omega his mate.

CtC: Drocco takes advantage of the situation to make the Omega his mate.

BTBB: Claire enters a depression one her estrous has ended. She does not want to be mated to Shepherd. Protagonist does not understand why she refuses to behave as an Omega and adore him.

He forces her to comply with her nature despite her personal feelings.
CtC: Cailyn enters a depression one her estrous has ended. She does not want to be mated to Drocco. Protagonist does not understand why she refuses to behave as an Omega and adore him. He forces her to comply with her nature despite her personal feelings.

BTBB: Shepherd does not understand why Claire does not act like an obedient Omega.

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BTBB: Instead of asking Claire why she is unhappy, Protagonist seeks to manipulate her feelings using outside help.

CtC: Instead of asking Cailyn why she is unhappy, Protagonist seeks to manipulate her feelings using outside help.

BTBB: The Omega falls into a deeper depression and desires to die. Worries constantly about missing Omegas.

CtC: The Omega falls into a deeper depression and desires to die. Worries constantly about missing Omegas.

BTBB: Omega goes on hunger strike.

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BTBB: Protagonist is unwilling to change world view, even if it would make the Omega happy.

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BTBB: Claire escapes at first opportunity, jumping off a balcony, leaving book on cliffhanger.

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On Wed, Apr 18, 2018 at 2:12 PM, Rachelle Soto

<rachellespen@gmail.com> wrote:

Writing this out has made me sick to my stomach. I'm sure there are lifted lines, but I have not gone through it with a fine tooth comb. Here is what I have so far:

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On Wed, Apr 18, 2018 at 9:44 AM, Rachelle Soto

<rachellespen@gmail.com> wrote:

i don't think she'll know how to do that. And if she does, we sue. I applied for the copyright last night, and my book came out 2 years before hers.

On Wed, Apr 18, 2018 at 9:31 AM, Allison

<allison@blushingbooks.com> wrote:

I'm still working on it. I will email you as soon as I have some info. I don't think we will have a problem getting it down. My only concern is if we report her book as copyright and then she does the same to you. We may not be able to get yours back up. Amazon is very "hands off" when this happens. We had this happen before. An author had a book up with another publisher who went under. No response for years. No payments. Etc. she finally reported the book so that we could publish it. Even with a contract and everything Amazon blocked the book and would not let us publish it because it had been previously reported under a copyright infringement.

Sent from my iPhone

On Apr 18, 2018, at 9:17 AM, Rachelle Soto

<rachellespen@gmail.com> wrote:

How are we doing on this?

On Tue, Apr 17, 2018 at 8:21 PM, Rachelle Soto

<rachellespen@gmail.com> wrote:

So this is what I need:

I want a screenshot or forward of the auto-email response from Amazon for the DMCA to share with my lawyer. I'm reaching out to other authors who have had copyright infringement issues and they told me they had zero issues with Amazon after complaining. It will strengthen our case that reviews are specifically stating this book is a rip off. I'd also like to brainstorm on other steps we can take on this.

On Tue, Apr 17, 2018 at 8:12 PM, Rachelle

Soto <rachellespen@gmail.com> wrote:

Im looking at the copyright website. Do you now offhand which forms I need to fill out? I don't want to rage fill out the wrong one. lol

On Tue, Apr 17, 2018 at 7:50 PM, Allison <allison@blushingbooks.com> wrote:
I'm so sorry! I will get on this first thing in the morning. If I were you I would file a copyright now. We also have where you submitted it to us!
I'm good news our customer service lady emailed today asking about book two in the last series. She said she gets emails all the time asking about to.

I'll touch base tomorrow.

Hugs,

Sent from my iPhone

On Apr 17, 2018, at 7:45 PM, Rachelle Soto <rachellespen@gmail.com> wrote:

I'm now being attacked publicly even though I've stayed silent. I don't have a copyright filed for this, but Allison, can you submit my contract as proof of first publishing and send in a DMCA to Amazon.

On Mon, Apr 16, 2018 at 11:04 AM, Rachelle Soto <rachellespen@gmail.com> wrote:

I read the book and it did set off lots of alarms. Its not dystopian, but in a fantasy world with magic, but the plot is so freaking similar [and though she acknowledged lots of people at the end (including a book that is straight up copywrite infringement of Game of Thrones), she did not acknowledge me. If she had, I would not have been so pissed]. She is also sending another author (Nora Ash)

to ask me to make a public post claiming that I do not think it was a knock off. I'm starting to wonder if Nora Ash is Zoey Ellis.

These are the similarity in plot listed by one of the readers:

1. Omegas are disappearing = Omegas are starving

2. Cailyn seeks help (information) for Omegas and Drocco can provide that. Claire seeks help (food) for Omegas and Sheppard can provide that.

3. Cailyn suppresses her Haze (by use of magic) = Claire suppresses her Heat by use of drugs.

4. Cailyn's magic stops working and she goes into Haze in a room full of alphas = Claire's Heat suppressants were actually Heat prompters and she goes into heat in a room full of alphas.

5. Cailyn becomes despondent once her Haze is over; Drocco is mystified on why she doesn't act like an Omega. = Claire becomes despondent once her Heat is over; Sheppard is mystified on why she doesn't act like an Omega.

6. Both Drocco and Sheppard seek outside

help to get their Omegas to act right rather than ask their Omegas why they don't act right.

7. Cailyn escapes the second she has an opportunity = Claire escapes the second she has an opportunity.

Like you said, she did not quote any of my exact phrasing, so there really is probably nothing we can do. I also do not want to risk having my books taken down. I guess the best I can do is just let the author know that yes I did read it, and that NO I am not going to make a public statement that I think the book is not a copy. I'd love to send her a strongly worded letter from an attorney, but I have no idea how I would do that.

Ugh,
Addison

On Mon, Apr 16, 2018 at 5:23 AM, Bethany Burke <bethany@blushingbooks.com> wrote:

I appreciate the heads up about the plagiarism. It's ironic - if someone had stolen a couple paragraphs of your writing but inserted them into a completely different plot

line we'd be able to go after them. Steal your entire plot but not steal your verbiage and it's much more difficult. The problem we run into in any circumstances like this is (what a surprise) Amazon. Whenever there's a significant dispute about a book, Amazon's position is that they won't get involved in disputes between authors. We could probably raise enough of a stink that she'd have to take the book down but I worry that a possible outcome is that we'd have to take your books down as well. I am looking at her books now - what about the other two books in the series?

I will buy this book and read it - if any of our loyal fans have sent you any specific comparisons let me know. I saw one review which said that it's not THAT MUCH like your books because one of the characters is more complex. So if stole the entire plot of Star Wars but made Leia more interesting, that would be OK? What bullshit.

I don't blame you for being bummed but sometimes ironically controversy can help sell books - just the mention of your books in her reviews is likely selling some books. But send me what you have documenting this and I will run it by our attorney.

We are actually right now doing a very high level Facebook marketing program with a consultant and one of the things we're doing with her is working on how to use Facebook to sell the backlist. You are definitely already on the list of authors that we want to experiment with but I will make sure you are on the top of the list.

Anne

> On Apr 16, 2018, at 1:19 AM, Rachelle Soto <rachellespen@gmail.com> wrote:
>
> Hi ladies,
>
> Another Omegaverse series has come out that is a blatant knockoff of BTBB. It's called Crave To Conquer, by Zoey Ellis. It's so close to the plot of btbb, that I'm getting constant messages from readers letting me know someone copied my story. I've ignored it, but its really getting me down. Since it's not outright plagiarism, I don't think there's anything that can be done, but I thought you might need to know.
>
> Thoughts
>
> Also, I want to run some Facebook ads for the series. What do you think?
>
> -Addison
>
> Sent from my iPhone

